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Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION


HECTOR VARGAS MEDINA
Petitioner,

v.

KRISTI NOEM, Secretary for the Department
of Homeland Security; TODD LYONS, Acting
Director, Immigration and Customs
Enforcement; CAMILLA WAMSLEY, Field
Office Director, Immigration and Customs
Enforcement Seattle Field Office; BRUCE
SCOTT, Warden, Northwest ICE Processing
Center,

Respondents.

Case No. 2:25-cv-02503-TMC

Agency File No.: 

**PETITIONER'S TRAVERSE TO
RESPONDENTS' RETURN ON
HABEAS PETITION**

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Petitioner, Mr. Hector Vargas Medina, submits a traverse to the Respondents' December 16, 2025 return on his petition for writ of habeas corpus, filed with this Court on December 9, 2025. Petitioner has sought relief as a member of the Bond Denial Class certified in *Rodriguez Vazquez* No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept 30, 2025) and the Bond Eligible Class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 2670875 (C.D. Cal. Nov. 25, 2025).

As alleged in Petitioner's writ, he is a clear member of each class for the following reasons:

- a. He does not have lawful status in the United States and is currently held in administrative detention at the Northwest ICE Processing Center.
- b. Last entered the United States without inspection over seventeen years ago, and was not apprehended upon arrival, *cf. id.*; and
- c. Is not subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

Respondents have not denied that Petitioner is a member of the certified classes, or that he is not entitled to declaratory judgment under the rulings made by each U.S. District Court. *See* Federal Respondent's Return Memorandum at p. 4. They are clear that they do not agree with the decisions in *Maldonado* and *Rodriguez Vazquez v. Bostock*, but indicate a non-opposition to his being considered a member of the *Rodriguez Vazquez* Bond Denial Class¹, for purposes of this habeas litigation.

¹ Respondents argue that Petitioner cannot be a member of the certified classes in both *Bautista Sanchez* and *Rodriguez Vazquez*, but do not explain why. The Ninth Circuit holds that class certification in a habeas corpus action does not pose jurisdictional concerns, even when class members are in the immediate custody of different facilities. *Rodriguez v. Hayes*, 591 F.3d 1105, 1121 (9th Cir. 2010). Jurisdiction is not precluded merely because class members are under the supervision of different immediate custodians. Petitioner believes he may be considered a member of each certified class.

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2 Although *Rodriguez Vazquez v. Bostock* is currently being considered on appeal, a
3 District Court decision remains in full force and effect until a stay is issued by the Ninth Circuit.
4 *Nat'l Grange of the Order of Patrons and Husbandry v. Cal. State Grange*, 182 F. Supp. 3d
5 1065, 1074 (E.D. Cal. 2016); *in re Crystal Palace Gambling Hall, Inc.*, 817 F.2d 1361, 1364 (9th
6 Cir. 1987) (“Absent a stay, all orders and judgments of courts must be complied with promptly”).
7 Since the Ninth Circuit has not issued a stay on *Rodriguez Vazquez*, its decision ought to be
8 considered extremely persuasive, if not binding, upon this Court. *Maldonado Bautista* is
9 pending a status conference set for January 16, 2026, at which the parties will indicate how they
10 choose to proceed in the matter. *Maldonado Bautista* at *27. The government very well may
11 choose to appeal the decision to the U.S. Court of Appeals for the Ninth Circuit, too; however,
12 no stay of removal has been entered on the Central District of California’s judgment.

13 WHEREFORE, Petitioner requests that this Court find bond jurisdiction under 8 U.S.C. §
14 1226(a) and order the Tacoma Immigration Court to hold such a hearing in the near future.

15
16 Respectfully submitted,

17 Dated: December 17, 2025

18 *s/ Benjamin Cornell*
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22 Pursuant to LCR (7)(e)(4), this reply conforms with the local rules as it is 719 words in length.

CERTIFICATE OF SERVICE

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The undersigned hereby certifies I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

US Attorneys

Email: usawaw.habeas@usdoj.gov

Dated: December 17, 2025

s/ Benjamin Cornell

Benjamin Cornell, WSBA 49553